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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,777	08/13/2001	Markus Hartmann	DT-4042	7693

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EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,777

Applicant(s)

HARTMANN, MARKUS

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in action to applicant's amendment received on April 28, 2003.
2. Claims 1-9 been canceled.
3. Acknowledgment is made of new claims 10-17 been added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. In claim 10 and 17 (last 7 lines), it is not clear what is meant by the recitation "has an extent, corresponding to a distance (a) between a point of contact of the contact region of the slider (8) with the contact surface (11)...with a longitudinal axis of the locking spindle." It is also not clear in claim 15 what is "0.2 - 0.6 of the radial distance...and the pivot axis".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudolf ('909). Rudolf discloses the invention as claimed including a working tool "18", a hollow spindle "16", a housing "12", a locking spindle "26", a resilient member "30", a pivot axis "28", a locking flange "58", a locking lever "32", a slider (camming surface of the lever) see Fig.3, and an annular extent "34". The camming surface of the lever "32" is being an annular support member and pivots on the same axis of the lever. Therefore, it has an axis that is parallel to the pivot axis. It should also be noticed that since the camming surface has an increasing radius, limitations of claims 4-8 are consider to be met by the reference.

With regards to claims 11 and 12, insofar as the claims are understood, the camming surface, i.e., the slider, of the lever "32" is in contact with the extent, when pivoted been 30° to 120°, especially at 80° and therefore, forms the angle (α).

Regarding claims 10 and 13, insofar as the claims are understood, the lever "32" travels at least approximately 5° to 30°, in particular 10°, to arrive the exchange position.

Insofar, as claims 14-16 are understood, it is believed that the annular member "34" includes an axis (any axis) that is parallel to the pivot axis of lever "32" and of the claimed distance set forth.

Response to Arguments

6. Applicant's remarks have been fully considered but they are not deemed persuasive.

7. Applicant contends that Rudolf does not shows or state that the dimensioning of the contact surface of the locking spindle insures a compact structure of the quick-locking

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mechanism, and the angle about 5° to 30° in the exchange position of the lever provides for a reliable retention of the locking lever in the exchange position. Examiner asserts that a reference anticipates a claimed invention when all the features are disclosed. In this instance, as can be seen in Fig. 2, Rudolf's locking lever has a slider or camming surface with an increasing radius that allows the locking lever to be pivoted to an exchange position on about 5° to 30° providing a reliable retention of the locking lever in that position. Also, as can be seen in Fig. 2, since the annular member "34" includes an axis (any axis) that is parallel to the pivot axis of lever "32" and of the claimed distance set forth, therefore when pivoting the locking lever to the exchange position the angular relationship (β) from about 5° to 30° can be achieved.

8. For the reasons above, the grounds of rejection are deemed proper.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Friday: 8:30am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ML
June 5, 2003

A handwritten signature in black ink, appearing to read 'Rinaldi Rada', followed by a horizontal line extending to the right.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700